| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/500,712 | 08/16/2004 | Juha-Pekka Koskinen | 59643.00491 | 7200 |

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| EXAMINER |
| --- |
| NGUYEN, TUAN HOANG |

| ART UNIT | PAPER NUMBER |
| --- | --- |
| 2618 | |

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| --- | --- |
| 05/23/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/500,712 | KOSKINEN ET AL. |
| | Examiner | Art Unit | |
| | Tuan H. Nguyen | 2618 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>25 January 2007</u>.

2a)☒ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

## DETAILED ACTION

### *Response to Arguments*

1.      Applicant's arguments, see applicant's remarks, filed on 01/25/2007, with respect

to the rejection(s) of claims 1-25 under 35 U.S.C § 103(a) have been fully considered

and are persuasive.  Therefore, the rejection has been withdrawn.  However, upon

further consideration, a new ground(s) of rejection is made in view of Lippelt (US PUB.

2005/0136890) and further in view of Ala-Luukko, Sami (International Publication

Number WO 02/15554 hereinafter, "Sami").

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.      Claims 1-3, 5, 10-12, 13-15, 17, 22-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lippelt (US PUB. 2005/0136890) in view of Ala-Luukko, Sami

(International Publication Number WO 02/15554 hereinafter, "Sami").

Consider claims 1,13, and 25, Lippelt teaches communication network including

GSM system, General Packet Radio Service (GPRS) and Voice over Internet VoIP

(page 2 [0014]) configured to allow charging against prepaid credit in relation to a first

terminal, the network including an accounting server and an accounting client capable

of generating costs associated with a service in the network, the network being

configured to: accept a request from the first terminal for establishment of a call

between the first terminal and a second terminal (page 2 [0015]); ascertain whether any

costs generated by accounting clients in the network, and associated with the call, are

to be charged against prepaid credit (page 1 [0007] ); in the event some or all of the

costs are to be charged against prepaid credit, establish an accounting session

between the accounting server and the accounting client that will generate the costs to

be charged against the prepaid credit, the accounting session being allocated an

accounting session identifier (see fig. 3 page 5 [0050]); and establish the call with the

second terminal (page 2 [0020]).

Lippelt does not explicitly show that the accounting client is configured to send

charging update data to the accounting server during the call; and the accounting server

is configured to collate the charging update data on the basis of the accounting session

identifier, thereby enabling updating of the prepaid credit during the call.

In the same field of endeavor, Sami teaches a communication network, General

Packet Radio Service, having accounting client is configured to send charging update

data to the accounting server (content server) during the call (page 6 lines 20-26 i.e.,

during monitoring the traffic between the mobile station and the content server the

charging update data, if the balance in the billing is not sufficient for using the service then the prepaid service is barred); and the accounting server is configured to collate the charging update data on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call (page 12 lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the accounting client is configured to send charging update data to the accounting server during the call; and the accounting server is configured to collate the charging update data on the basis of the accounting session identifier, as taught by Sami, in order to update the prepaid credit during the call.

Consider claims 2 and 14, Lippelt teaches a plurality of accounting clients that generate costs in relation to the call, the network being configured to; establish accounting sessions between each respective accounting client and the accounting server, each of the accounting sessions being allocated a common accounting session identifier associated with the call to be established (see fig. 3 page 5 [0050]).

Lippelt does not explicitly show that sending charging update data to the accounting server during the call, the charging update data including the accounting session identifier; and the accounting server is configured to collate the charging update data from each of the accounting clients on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call.

In the same field of endeavor, Sami teaches sending charging update data to the accounting server during the call, the charging update data including the accounting

session identifier (page 6 lines 20-26 i.e., during monitoring the traffic between the mobile station and the content server the charging update data, if the balance in the billing is not sufficient for using the service then the prepaid service is barred); and the accounting server is configured to collate the charging update data from each of the accounting clients on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call (page 12 lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, sending charging update data to the accounting server during the call, the charging update data including the accounting session identifier; and the accounting server is configured to collate the charging update data from each of the accounting clients on the basis of the accounting session identifier, thereby enabling updating of the prepaid credit during the call, as taught by Sami, in order to enable the implementation of a prepaid service in a general packet radio system.

Consider claims 3 and 15, Lippelt further teaches the accounting server is located in the home network of the first terminal (page 1 [0012]).

Consider claims 5 and 17, Lippelt further teaches configured such that the accounting session identifier is allocated upon receipt in the network of the request for establishment of a call from the first terminal (page 6 [0058]).

Consider claims 10 and 22, Lippelt further teaches configured to ascertain whether costs are to be charged against prepaid credit by looking up subscriber profile data upon receipt of the request for establishment of the call (page 3 [0028]).

Consider claims 11 and 23, Lippelt further teaches the network is an IP-network (page 5 [0056]).

Consider claims 12 and 24, Lippelt further teaches the network is a UMTS network (page 5 [0048]).

4.      Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippelt in view of Sami as applied to claims above, and further in view of Cobo et al. (U.S PAT. 6,496,690 hereinafter, "Cobo").

Consider claims 4 and 16, Lippelt and Sami, in combination, fails to teaches each accounting client takes the form of one of the following network entities: SGSN/GGSN; S-CSCF/P-CSCF; and a network application server.

However, Cobo teaches each accounting client takes the form of one of the following network entities: SGSN/GGSN; S-CSCF/P-CSCF; and a network application server (col. 4 line 65 through col. 5 line 12).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Cobo into view of Lippelt and Sami, in order

to provide a prepaid subscriber service to a mobile subscriber in an integrated wireless telecommunications network having a circuit-switched portion and a General Packet Radio Service (GPRS) packet-switched portion.

5.      Claims 6-9 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippelt in view of Sami as applied to claims above, and further in view of Chaney (U.S PAT. 6,947,724).

Consider claims 6 and 18, Lippelt and Sami, in combination, fails to teaches the request for establishment of a call is made via a Session Initiation Protocol (SIP) message sent from the first terminal.

However, Chaney teaches the request for establishment of a call is made via a Session Initiation Protocol (SIP) message sent from the first terminal (col. 1 lines 16-39).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Chaney into view of Lippelt and Sami, in order to provide billing a call placed by a user based on a reported traffic load in the network.

Consider claims 7 and 19, Chaney further teaches the charging update data is sent from the accounting clients to the accounting server via a Diameter protocol

message (col. 8 lines 1-6).

Consider claims 8 and 20, Chaney further teaches the charging update data is sent from each accounting client to the accounting client in response to a Diameter protocol update request issued by the accounting server (see fig. 5 col. 8 lines 7-14).

Consider claims 9 and 21, Chaney further teaches the accounting server issues the update requests to each accounting client periodically (col. 8 lines 43-53).

### *Conclusion*

6.     Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

. P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

NAY MAUNG
SUPERVISORY PATENT EXAMINER